



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE
VIRGINIA MAGAZINE
OF
HISTORY AND BIOGRAPHY.

VOL. XIX

OCTOBER, 1911.

No. 4

THE RANDOLPH MANUSCRIPT.

VIRGINIA SEVENTEENTH CENTURY RECORDS.

From the Original in the Collection of the Virginia Historical Society.

(CONTINUED)

INSTRUCTIONS TO GOVERNOR LORD HOWARD OF EFFINGHAM,
FEBRUARY 27, 1688.

Whereas his Majesty has been graciously pleased to give me, Thomas Lord Howard Baron of Effingham his Majesty's Lieutenant and Governor General of Virginia leave for some little time to go for England for the Recovery of my Health and to receive his Majesty's further Commands in such things as shall most Conduce for his Majesty's Service and the good and benefit of this his Majesty's Colony and Dominion of Virginia.

I therefore pursuant to his Majesty's Instructions to me do hereby communicate unto you who are of his Majesty's Council of Virginia such and so many of his Majesty's Instructions to me as I judge requisite for his Majesty's service during my Absence. Viz't.:

Instructions for our Right Trusty and well beloved Francis Lord Howard of Effingham Our Lieut. and Governor General of our Colony and Dominion of Virginia in Amerca and in his Absence to the Commander in Chief, Given at our Court at Windsor the 30 August, 1685, In the first of our Reign.

1. With these you will receive our Commission under our great Seal of England Constituting you our Lieut. and Governor General of our Colony and Dominion of Virginia in America Whereupon you are forthwith to call together the Members of our Council for that our Colony and Dominion by Name

Dead	Nath'l Bacon	} Esq'rs	Rich'd Lee	} Esq'rs
	Nich'o Spencer		Ralph Wormeley	
	Robert Smith		John Page	
	Will. Cole		Wm. Byrd	
	Phil. Ludwell		Christo Wormeley	
Displaced by his Majesty	John Custis		John Lear	
Since added		{ Isaac Allerton } Esq'rs		
		{ John Armstead }		

At which Meeting after having Published in usual Manner our said Letters Patents constituting You our Lieut. & Governor General of our said Colony and Dominion you shall take your self and also administer to each of the Members of the Council as well the Oath of Allegiance as the Oath for the due Execution of their Places and Trusts.

2d. And you are to communicate unto our Council of Virginia from time to time such and so many of your Instructions as you shall think Convenient for our Service to be imparted unto them. And our further Will and Pleasure is that the Members of our Council shall and may have and enjoy freedom of Debate and Votes in all things to be debated of in Council.

3d. And Altho' by our Commission aforesaid we have thought fit to direct that any 3 of our Councillors make a Quorum It is never the less our Will and Pleasure that you do not Act with a Quorum of Less than five Members unless upon Extraordinary Emergencies.

4th. And that we may always be informed of the Names of Persons fit to supply the Vacancies of our Council in Virginia you are to transmit unto us and to our Committee of Trade and foreign Plantations with all convenient Speed the Names and Characters of twelve persons Inhabitants of our said Colony whom you shall esteem the best Qualified for that Trust and so from time to time when any of them shall dye depart out of our said Colony or become otherwise unfit You are to supply the first Number of 12 Persons by Nominating others to us in their stead.

5. And you are to Signifie our Pleasure unto our said Council that if any of them shall hereafter be absent without leave from our Governor for the time being first obtained or remain absent for the Space of two Years or the greater Part thereof without our leave given them under our Royal Signature their Place or Places in our said Council shall immediately become void and that we will forthwith take Care that others be appointed in their stead.

6. And you are to send us from time to time and our Committee for foreign Plantations and Trade the Names and Qualities of any Members by you put into our said Council by the first Conveniency after your so doing.

7th. And you are to observe in the Passing of Laws that the Stile of Enacting the Same by the Governor Council and Burgesses of the Assembly be henceforth used and none other.

8th. And that it may be the better understood what Acts and Laws are in Force within our Dominion of Virginia you are with the Assistance of our Council to take care that all Laws now in Force be revised and considered and if there be any thing in them either in the Matter and Stile which may be fit to be altered or Retrencht you are to represent the same unto us with your Opinion touching the said Laws now in

force whereof you are to send a Compleat Body unto us with such alterations as you shall think fit to the End our approbation or Allowances may be signified thereupon.

9th. And our Express Will and Pleasure is that you transmit Authentick Copies under the Public Seal of all Laws, Statutes and Ordinances now in force or which shall at any time be made or Enacted within our said Colony unto us & our Committee of Trade and Foreign Plantations within 3 Months or sooner after their being Enacted together with Duplicates thereof by the next conveyance upon pain of our highest displeasure and of the forfeiture of that Year's Salary wherein you shall at any Time or upon any Pretence whatsoever omit to send over the said Laws and Ordinances as aforesaid within the time above Limited.

10th. Our Will and Pleasure is that no Act or Order be passed In that our Colony in any Case for levying Money and inflicting fines and Penalties as hereby the same shall not be reserved to us for the Public Uses as by the said Act or Order shall be directed and we do particularly require and Command that no Money or Value of Money whatsoever be given or granted by any Act of Assembly to any Governor, Deputy Governor or Commander in Chief of our said Colony which shall not according to the Stile of the Act of Parliament in England be mentioned to be given and granted unto us with the humble desire of such Assembly that the same be applied to the use and behoof of such Governor, Deputy Governor or Commander in Chief if we shall so think fit or if we shall not approve of such Gift or Application that the said Money or Value of Money be then dispos'd of and appropriated to such other uses as in the said Act or Order shall be mentioned and that from the time the same shall be raised it remain in the hands of the Receiver or the Treasurer of that Colony until our Royal Pleasure shall be known therein.

11th. And you shall not Permit our revenue to be Anticipated for the future nor suffer any Public Money whatsoever to be issued or disposed of otherwise than by Warrant under your hand but the Assembly may be Nevertheless permitted

from time to time to View and Examine the Accounts of Money or Value of Moneys disposed of by Virtue of such Laws as they shall make which you are to Signify unto them as Occasion shall serve.

12th. And it is our further Will and Pleasure Expressly that all Laws whatsoever for the good Government and Support of our said Colony be made indefinite and without Limitation of time except the same be for a temporary End and have its full Effect within a certain time.

13th. And therefore you shall not reinact any Law which shall once be enacted by you except upon very urgent Occasions, but in no case more than once without our express consent.

14th. You shall not remit any fines or forfeitures whatsoever above the Sum of Ten Pounds before or after Sentence given nor dispose of any Escheators, fines or forfeitures until you shall have first Signified unto us the Nature of the Offence or Occasion of such fines, forfeitures or Escheats with the Particular sums or Value thereof (which you are to do with all speed unto our high Treasurer or Commissioners of Our Treasury for the time being) until you shall have received our directions therein but you may in the meantime suspend the Payment of the said sum, fines and forfeitures.

15th. And you are particularly not to pass any Law or do any Act by Grant, Settlement or Otherwise Whereby our Revenue may be lessened or Impaired without our Especial Leave or Commands therein.

16th. You are to require the secretary of our Colony or his Deputy for the time being to provide transcript of all such Acts and Publick Orders as shall be made from time to time together with a Copy of the Journal of the Council to the End the same may be transmitted unto us as above directed which he is duly to perform upon pain of Incurring the forfeiture of his place.

16th. And all Military Officers upon misbehaviour and unfaithfulness in the Execution of their Trust you shall suspend

or discharge as shall appear upon due Examination agreeable to Justice.

17th. Our Will and Pleasure is that no Minister be prefer'd by you without a Certificate from the Right Reverend the Lord Bishop of London of his being conformable to the Doctrine and Discipline of the Church of England and of a good Life and conversation and if any Person already preferred to a benefice shall appear to you to give Scandal either by his Doctrine or Manners you are to use the best means for the removal of him and to supply the Vacancy in such Manner as we have directed.

And Also our Pleasure is that in all directions of Church Affairs the Ministers be admitted into the Respective Vestries.

And to the End the Ecclesiastical Jurisdiction of the said Bishop of London may take place in that our Colony as far as Conveniently may be We do think fit that you give all Countenance and Encouragement in the Exercise of the same Except only the Collating to benefices granting licences for Marriages and Probate of Wills which we have reserved to you our Governor and Commander in Chief for the time being.

18th. And we do further direct that no School Master be hence forward permitted to come from England and to keep School within our Colony of Virginia without the Licence of the said Bishop.

And that no other person now there or that shall come from other parts be admitted to keep School without the Licence first had.

19th. And you are to take Care that the Courts of Judicature be not adjourned but upon good Grounds And Whereas Complaint hath been made that the Orders of Court are entered in the Absence of Magistrates and sometimes procured in private at the Magistrate's House you are to take care to prevent the said abuses and Particularly that no Orders be entered or allowed which shall not be first read and approved by the Magistrates in Open Court.

20th. You are to take Care that Drunkenness, Debauchery, Swearing and Blasphemy be severely punished and that none

be admitted to publick Trust and Employment whose ill fame and Conversation may bring Scandal thereupon.

21st. Our Will and Pleasure is and we do hereby require and Command you that no man's Life, Member, freehold or goods be taken away or harmed in our said Colony but by Established and known Laws not repugnant to but as much as conveniently may be agreeable to the Laws of our Kingdom of England.

22d. You shall Administer or Cause to be administered the Oath of Allegiance to the Members and Officers of our Council and Assembly all Judges and Justices and all other persons that hold any Office in our said Colony by Virtue of any Patent under our great Seal of England or our Seal of Virginia And you are to Permit Liberty of Conscience to all Persons so they be contented with a quiet and peaceable enjoyment of it not giving Offence or Scandal to the Government.

23d. You shall take care that all Planters and Christian Servants be well and fitly provided with Arms and that they be listed under Officers and when as often as you shall think fit mustered and trained whereby they may be in a better readiness for the Defence of our said Colony and Dominion under your Government.

24. And you are to take special Care that neither the frequency nor unreasonableness of remote Marches, Musters and trainings be an unnecessary Impediment to the Affairs of the Planters.

24. In Case of Distress of any of our Plantations you shall upon application of the Respective Governors thereof to you assist them, with what aid the Safety and Condition of your Government can permit. And you are to take an especial Care that all Tobaccos Shipt in Virginia from what Part soever they come do pay Virginia Duties.

25th. And that all possible Means may be used for the Security of Merchants Ships in their return home you are hereby directed that in time of War no Ships do come from Virginia but in Fleets and at such times as shall be notified

from hence for their Meeting of Convoys And in Case of other Danger you are to expect directions from hence what precautions shall be necessary for their Security.

26th. You are to give all due encouragements to Merchants and others who shall bring Trade unto our said Colony or any way contribute to their Advantage and in Particular to the Royal African Company of England.

27th. And you are to take care that there be no trading from Virginia to any Part of Africa within the Charter of the Royal African Company and you are not to Suffer any Ships to be sent thither without their leave and Authority.

28th. You are not for the future to Admit or Allow of any appeals whatsoever to be made from the Governor and Council to the Assembly But whereas we Judge it absolutely necessary that All our Subjects may have Liberty to appeal to our Royal Person in cases that deserve the same our Will and Pleasure is that if either Party shall not rest satisfied with the Judgment or Sentence of our Governor and Council they may then appeal unto us in our Privy Council Provided the Matter in Difference exceed the real Value of three hundred pounds Sterling and that security be likewise given by the Appellant to Answer such Charges as shall be awarded in Case the Sentence of the Governor and Council of Virginia be Confirmed and Provided that Execution be not suspended by reason of any such Appeal unto us and in as much that it may not be fit that Appeals be too frequently and for too small a Value unto our Governor and Council you shall therefore with the Advice of the Council propose a Law to be passed wherein the Method and Limitation of appeals unto our Governor and Council may be settled and restrained in such manner as shall be found most convenient and easy to our Subjects in Virginia.

29th. And whereas you have already made an Agreement between the Indians of Virginia and those of New York we do hereby approve the same and do charge and require you as much as in you lies that the same Agreement be punctually

Observed as conducing to the Welfare of our Colony under your Government.

30th. Whereas we have thought fit to Establish & allow a comfortable Subsistence and Salary for you our Governor and our other Chief Officers of that our Colony, you shall according to our said Establishment receive and take to your own use as Governor out of the first Moneys rais'd or to be raised there the Yearly sum of Two Thousand Pounds by Quarterly Payments. And you shall pay out of the next revenue of our said Colony to the Councillors and other Judges and Officers as well Civil as Military and to the Marshall Clerks of the Assembly Gunners and Matrosses the Several Salaries and Allowances formerly paid or such other reasonable ones as you with the advice of our Council there shall think requisite A true Account whereof you shall from time to time transmit unto our Lord High Treasurer or Commiss'ners of the Treasury for the time being And to the Lords of our Privy Council appointed a Committee of Trade and Forreign Plantations.

31st. And in the mean time we are graciously pleased to allow unto you out of our said Revenue the Rent of a House wherein you shall live until a House be built Pursuant to our Directions above mentioned.

32d. Whereas upon considering the Entries at our Custom house here in England with the 2s. per Hogshead on Tobacco and other Duties and impositions due to us in Virginia we are certainly informed of great Frauds and abuses both for the Payment thereof by Masters of Ships and others and the Collection of our Officers You are to use all Legal Means for the prevention thereof and for the Improvement of the said Revenues. And whereas such abuses cannot be committed without the apparent Negligence of the Collectors or their Connivance with the said Masters of Ships and other persons You are strictly to Charge and command them & every of them in our Name to be more diligent and careful for the future under penalty of forfeiture of their respective Places by your putting others in their stead on the first Offense and of our highest displeasure. And you are from time to time

to give us a Particular Account of your Proceedings herein and of the Duties and impositions collected and disposed of Pursuant to former directions.

33d. You shall not upon any Pretence whatsoever permit any alteration to be made henceforth in the Value of the Current Coin either forreign or belonging to any of our Dominions without first having signified unto us the reason for so doing and received our pleasure thereupon.

34. We do hereby Signifie unto you our Express commands that all Writs be issued in our Royal Name thro' out our said Colony and Dominion Notwithstanding any former usage to the Contrary.

35. And if any thing shall happen that may be of advantage to our said Colony which is not herein and by our Commission provided for Our Will and Pleasure is & we do hereby Allow unto you with the Advice and consent of our Council to take Order for the Present therein Given us by one of our Principal Secretaries of State and to the Lords of the Privy Council appointed a Committee for Trade and Forreign Plantations speedy Notice thereof that so you may receive our Ratification if we shall approve the same Provided always and our Will and Pleasure is that you do not by Colour of any Power or Authority hereby given you commence or Declare War without our knowledge or command therein Except it be against Indians upon Emergencies wherein the consent of our Council shall be had & speedy Notice thereof given unto us.

Lastly you shall upon all Occasions send unto us by one of our Principal Secretaries of State and the Lords of our Privy Council appointed a Committee for Trade and Foreign Plantations a Particular Account of all proceedings and of the Condition of Affairs within your Government.

By his Majesty's Command

SUNDERLAND, P.
EFFINGHAM.

Signed & Sealed in Council February 27, 1688.

Lord Howard Communicates his Intention by his Majesty's leave to go to England for recovery of his Health, and leaves with them such of his Majesty's Instructions as he judged requisite for his Majesty's Service. (See the above Copy.)

King James 2d, 27 April, 1688, makes an Order in Council to this Effect. His Majesty taking into Consideration an Order in Council bearing Date 3d of November, 1680, considering the absence of Governors from their respective Plantations under their Government His Majesty in Council was pleased to Order That no Governor or Commander in Chief do presume henceforward upon any Pretence whatsoever to come into England from the Places of their respective Government without first obtaining leave for so doing under his Majesty's Sign, Manual and Signet.

(TO BE CONTINUED.)